IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 2ND NOVEMBER 2006 / 11TH KARTHIKA 1928

Bail Appl..No. 6420 of 2006()

CRIME NO.220/2006 OF KURATHIKAD POLICE STATION

PETITIONERS

---

1. SAMUEL GEORGE, KIZHAKKEATTATHU HOUSE,
   THANNIKKUNNIL, VETTIYAR P.O., MAVELIKKARA.

2. SAM JOHN, KIZHAKKEATTATHU HOUSE,
   THANNILKKUNNIL, VETTIYAR P.O., MAVELIKKARA.

BY ADV. SRI.K.HARILAL

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   KURATHIKAD POLICE STATION.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

- - - - - - - - - - - - - - - - - - - -

B.A. No. 6420 of 2006

- - - - - - - - - - - - - - - - - - - -

Dated this the 2nd day of November, 2006

O R D E R

The petitioners are before this Court to avert an arrest, as they apprehend arrest at the hands of the Kurathikad Police Station, for a crime has been registered against them, Crime No.220/2006, for the offence punishable under Section 436 I.P.C, read with Section 34 of the Indian Penal Code. It is alleged that few persons have set fire to the house of the de facto complainant on 20/10/2006, at midnight. The mother-in-law of the de facto complainant, identified the first petitioner, Samuel George. The prosecution alleges that he along with three others have set fire because of the previous enmity.

2. Counsel for the petitioners, Mr.K.Harilal, submitted that the facts as available on record are insufficient to draw Section 436 I.P.C., and also to pinpoint the involvement of the first petitioner, Samuel George, with the crime.

3. Considering the submissions made by either side, I direct the first petitioner, Samuel George, to appear

before the Investigating Officer, who is investigating Crime No.220/2006 of Kurathikad Police Station, on 06/11/2006 at 10 a.m.

4. The Investigating Officer shall interrogate the petitioner, Samuel George and, thereafter, produce him before the court below, according to the law.

5. The learned Magistrate, on production of the first petitioner, before that court, shall hear both sides and release him on bail, on imposing such conditions, which are deemed necessary.

6. The second petitioner, Sam John, is, till now, not arrayed as an accused. Hence, no order need be passed in respect of the prayer of the second petitioner.

The application is disposed of as above.

(J.M.JAMES)
Judge

ms